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## DEPARTMENT OF AGRICULTURE

### Transfer of Agricultural Soil and Water Conservation Program

- Transfers, effective January 1, 2016, the administration of the Agricultural Soil and Water Conservation Program from the Division of Soil and Water Resources in the Department of Natural Resources to the Department of Agriculture, and retains all of the components of the Program.
- Effects the transfer by doing, in part, both of the following:
  - Requiring the Directors of Natural Resources and Agriculture to enter into a memorandum of understanding regarding the transfer of the Program and requiring the Director of Agriculture to adopt rules relating to the Program that are identical to existing rules adopted by the Director of Natural Resources;
  - Stipulating that all operation and management plans developed under current law continue in effect as if they were developed under the bill.

### State matching funds for soil and water conservation districts

- Generally requires money to be paid in each calendar year by the state to each soil and water conservation district in an amount of up to \$1 for each \$1 received by a district pursuant to a contract entered into with a board of county commissioners under which the soil and water conservation district will conduct storm water projects and activities.
- Authorizes a board of county commissioners to enter into such a contract with a public agency under which the public agency will conduct projects and activities for the purpose of complying with the requirements of phase II of the federal storm water program.
- Limits the amount of state money that may be paid to a district to match money received by the district pursuant to such a contract in calendar years 2015, 2016, and 2017, and stipulates how the amount received is to be determined.

### Elimination of Agricultural Financing Commission

- Eliminates the Agricultural Financing Commission, which is required to make recommendations to and advise the Director of Agriculture concerning the Family Farm Loan Program, which was repealed in 2007.



## **Review compliance certificates**

- Eliminates provisions governing review compliance certificates issued under the Concentrated Animal Feeding Facilities Law, the operation of which has expired.

## **County payment for injury or loss of animals by dogs**

- Eliminates requirements and procedures in current law under which a board of county commissioners must reimburse the owner of an animal that has been killed or injured by a dog not belonging to the owner.

## **Wine tax diversion**

- Extends through June 30, 2017, the extra 2¢ per-gallon earmark of wine tax revenue that is credited to the Ohio Grape Industries Fund.

## **Exceptions to auctioneer licensure**

- Does both of the following regarding exemptions from licensure under the Auctioneers Law:
  - Adds an exemption for sales at an auction sponsored by a tax-exempt organization such as a business league, chamber of commerce, or board of trade when certain conditions apply;
  - Revises the existing exemption for a bid-calling contest conducted to advance or promote the auction profession in Ohio by allowing any type of compensation to be paid to the event's sponsor or participants.

## Transfer of Agricultural Soil and Water Conservation Program

(R.C. 121.04, 305.31, 505.101, 717.01, 901.08, 901.21, 901.22, 903.082, 903.11, 903.25, 905.31, 905.323, 931.01, 931.02, 939.01, 939.02, 939.03, 939.04, 939.05, 939.06, 939.07, 939.08, 939.09, 939.10, 940.01, 940.02, 940.03, 940.04, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.11, 940.12, 940.13, 940.14, 940.15, 940.16, 940.17, 940.18, 940.19, 940.20, 940.21, 940.22, 940.23, 940.24, 940.25, 940.26, 940.27, 940.28, 940.29, 940.30, 940.31, 940.32, 940.33, 940.34, 940.35, 941.14, 953.22, 1501.011, 1501.04, 1511.01 (repealed), 1511.04 (repealed), 1511.06 (repealed), 1511.07 (repealed), 1511.08 (repealed), 1511.99 (repealed), 3714.073, 3718.03, 3734.02, 3734.029, 3734.901, 3745.70, 4115.03, 5301.68, 5301.69, 5537.05, 5705.19, 6111.01, 6111.03, 6111.04, 6111.12, 6111.44, and 6131.23; Sections 709.20, 709.30, 709.40, and 709.50)

The bill transfers, effective January 1, 2016, the administration of the Agricultural Soil and Water Conservation Program from the Division of Soil and Water Resources in the Department of Natural Resources to the Department of Agriculture and retains all of the components of the Program. The bill effects the transfer by doing, in part, all of the following:

(1) Requiring the Director of Natural Resources and the Director of Agriculture to enter into a memorandum of understanding regarding the transfer of the Program, requiring the Director of Natural Resources to identify in the memorandum all applicable rules regarding the Program, and requiring the Director of Agriculture to adopt rules that are identical to the rules that are identified in the memorandum;

(2) Stating that, subject to the layoff provisions of the law governing state and local personnel or the applicable collective bargaining agreement, all of the Division's employees relating to the Program are transferred to the Department and retain their same positions and all benefits accruing to them;

(3) Stipulating that all operation and management plans developed under current law continue in effect as if they were developed under the bill;

(4) Transferring from the Chief to the Director of Agriculture responsibility for administering the Agricultural Pollution Abatement Fund, which is used to pay the costs of investigating or abating water degradation caused by agricultural pollution or an unauthorized discharge of manure or residual farm products into or on the environment that requires emergency action to protect public health.

The bill authorizes the Director to enforce the law governing the Agricultural Soil and Water Conservation Program, including taking corrective actions, imposing civil and administrative penalties, and seeking injunctive relief. Currently, the Chief enforces that law by issuing orders requiring compliance with specified rules relating to the



abatement of the degradation of the waters of the state by agricultural pollution. If a person fails to comply with those orders, the Chief may seek a court order requiring the person to cease the violation and remove the agricultural pollutant.

### **State matching funds for soil and water conservation districts**

(R.C. 940.15 and 6117.021)

The bill requires money to be paid in each calendar year to each soil and water conservation district, within the limits of funds appropriated to the Department of Agriculture and the Soil and Water Conservation District Assistance Fund, in an amount not to exceed one dollar for each one dollar received by a district pursuant to a contract entered into with a board of county commissioners that has formed a county sewer district under which the soil and water conservation district will conduct projects and activities for the purpose of complying with the requirements of phase II of the federal storm water program. The bill also authorizes such a board of county commissioners to enter into such a contract with a public agency, on terms and for the period of time that are mutually agreed on.

As part of the bill's transfer of the Agricultural Soil and Water Conservation Program from the Department of Natural Resources to the Department of Agriculture, the bill transfers the administration of the state matching funds to the latter. It retains other sources of money that may be matched in existing law, the annual maximum state match of \$8,000, and authority for the Ohio Soil and Water Conservation Commission to approve payment to a district in an amount in excess of \$8,000 in any calendar year upon receipt of a request and justification from the district.

In addition, the bill limits the amount of money that may be paid by the Department to a district to match money received by the district pursuant to a contract discussed above in calendar years 2015, 2016, and 2017 to the amount that was paid to the district as a match during calendar year 2013 that resulted from the board of county commissioners' having used the proceeds of a contract entered into between the board and a district of a type similar to that authorized by the bill, directly or indirectly, for matching funds in calendar year 2013, but authorizes the state match to exceed that amount to the extent that other sources of local matching funds are used by the district for local matching funds in state fiscal years 2015, 2016, and 2017.



## **Elimination of Agricultural Financing Commission**

(R.C. 901.61, 901.62, 901.63, and 901.64 (repealed) and 902.01)

The bill eliminates the Agricultural Financing Commission, which is required to make recommendations to and advise the Director of Agriculture concerning the Family Farm Loan Program, which was repealed in 2007.

## **Review compliance certificates**

(R.C. 903.01, 903.03, 903.07, 903.09, 903.10, 903.11, 903.12, 903.13, 903.16, 903.17, and 903.25; R.C. 903.04 (repealed))

The bill eliminates provisions governing review compliance certificates issued under the Concentrated Animal Feeding Facilities Law, the operation of which has expired. S.B. 141 of the 123rd General Assembly, which took effect in 2001, transferred the regulation of animal waste disposal at concentrated animal feeding facilities (CAFFs) from the Environmental Protection Agency to the Department of Agriculture. The act required the Director of Agriculture to finalize a program under which the Director was given the authority to issue, in part, permits to install and permits to operate for CAFFs. The Director finalized the program in August, 2002. Prior to the finalization, the Director of Environmental Protection issued installation permits for the installation or modification of disposal systems for animal waste that involved 1,000 or more animal units or any parts of those disposal systems in compliance with the Federal Water Pollution Control Act.

Current law specifies that on and after the date that is two years after the date on which the Director of Agriculture finalized the program for the issuance of permits to install for CAFFs, which was in August, 2004, and until the issuance of a permit to operate, no person lawfully could operate a CAFF in existence prior to August, 2004, unless the person applied for a review compliance certificate issued by the Director. Upon the Director's review of specified information concerning a facility and inspection of the facility, the Director had to issue a review compliance certificate to the facility if the Director determined that it satisfied certain criteria. A permit to operate had to be obtained prior to expiration of the review compliance certificate, which was valid for five years. Because the above deadlines have passed, the statutes governing review compliance certificates are obsolete.

## **County payment for injury or loss of animals by dogs**

(R.C. 955.29 (repealed), 955.12, 955.121, 955.14, 955.15, 955.20, 955.27, 955.30 (repealed), 955.32 (repealed), 955.35 (repealed), 955.351 (repealed), 955.36 (repealed), 955.37 (repealed), and 955.38 (repealed))

The bill eliminates requirements and procedures in current law under which a board of county commissioners must reimburse the owner of an animal that has been killed or injured by a dog not belonging to the owner. Accordingly, the bill repeals provisions:

--Allowing an owner of an animal that the owner believes has a fair market value of \$10 or more to make a claim for the injury or loss of that animal and to submit additional information demonstrating the animal's lines of breeding, age, and other matters;

--Requiring a board of county commissioners to hear a claim and, if the dog warden has determined that the claim is valid, pay the claim from the dog and kennel fund or from the county general fund;

--Requiring statements and testimony regarding the loss or injury of an animal to be on forms prepared by the Secretary of State;

--Allowing an owner of an animal that has been killed or injured by a dog to appeal a final allowance made by a board of county commissioners; and

--Requiring a probate court to hear an appeal by an owner of an animal that has been killed or injured by a dog and determine the fair market value of that animal and the limit on relief.

The bill also makes conforming changes in the Dogs Law.

## **Wine tax diversion to Ohio Grape Industries Fund**

(R.C. 4301.43)

The bill extends through June 30, 2017, the extra 2¢ per-gallon earmark of wine tax revenue that is credited to the Ohio Grape Industries Fund. Continuing law imposes a tax on the distribution of wine, vermouth, and sparkling and carbonated wine and champagne at rates ranging from 30¢ per gallon to \$1.48 per gallon. From the taxes paid, a portion is credited to the fund for the encouragement of the state's grape and wine industry, and the remainder is credited to the GRF.



Under current law, the amount credited to the Ohio Grape Industries Fund is scheduled to decrease from 3¢ to 1¢ per gallon on July 1, 2015. The extra 2¢ earmark began in July 1995 and originally was scheduled to terminate in June 2001, but has been extended by two-year intervals since July 2001.

## **Exceptions to auctioneer licensure**

(R.C. 4707.02)

The bill does both of the following regarding exemptions from the existing prohibition against acting as an auction firm, auctioneer, or apprentice auctioneer within Ohio without a license issued by the Department of Agriculture:

(1) Adds an exemption for sales at an auction that is (a) sponsored by an organization that is tax exempt under subsection 501(c)(6) of the Internal Revenue Code, e.g., a business league, chamber of commerce, or board of trade, and (b) a part of a national, regional, or state convention or conference that advances or promotes the auction profession in Ohio, when the property to be sold is donated to or is the property of the organization and the proceeds remain within the organization or are donated to a nonprofit charitable organization;

(2) Revises the existing exemption for a bid-calling contest conducted to advance or promote the auction profession in Ohio by allowing any type of compensation to be paid to the event's sponsor or participants. Under current law, no compensation may be paid other than a prize or award for winning the contest.

